



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WESTERN REGIONAL OFFICE

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## AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

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**ISSUED TO ["the Permittee"]:**

Maxim Power USA, Inc.  
Suite 1210, 715 – 5<sup>th</sup> Avenue, S.W.  
Calgary, Alberta  
Canada T2P 2X6

**INFORMATION RELIED UPON:**

Application No.: 1-O-04-010  
Transmittal No.: W048856  
***Appl.# 1-O-08-025; Trans. # X223691  
(Adm. Amendment; Change of Ownership)  
December 9, 2008***

**FACILITY LOCATION:**

Pittsfield Generating Plant  
235 Merrill Road  
Pittsfield, MA 01201

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 117/0006  
FMF FAC NO.: 50773  
FMF RO NO.: 161191

**NATURE OF BUSINESS:**

Electric Power & Steam Generation

**STANDARD INDUSTRIAL CODE (SIC):**

4911 – Electric power generation

**RESPONSIBLE OFFICIAL:**

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**This operating permit shall expire on April 19, 2011**

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

4/19/2006

Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

Date

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of this Operating Permit.

### 1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (hereinafter "Pittsfield Generating") is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

### DESCRIPTION OF FACILITY AND OPERATIONS

The Pittsfield Generating facility is a combined cycle power plant rated at 165 MW output located at 235 Merrill Road in Pittsfield, Massachusetts. The Facility consists of three General Electric (GE) Frame 6 combustion turbines each exhausting to three heat recovery steam generators and a steam turbine. Fuel for the combustion turbines is natural gas, with distillate oil as a backup fuel.

### 2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 1 <sup>(1)</sup>	Combustion Turbine A	430.25 MMBtu/hr <sup>(2)</sup>	Steam Injection and SCR <sup>(3)</sup>
EU 2 <sup>(1)</sup>	Combustion Turbine B	430.25 MMBtu/hr <sup>(2)</sup>	Steam Injection and SCR <sup>(3)</sup>
EU 3 <sup>(1)</sup>	Combustion Turbine C	430.25 MMBtu/hr <sup>(2)</sup>	Steam Injection and SCR <sup>(3)</sup>
EU 4	Diesel Starter Engine A	4.278 MMBtu/hr	none
EU 5	Diesel Starter Engine B	4.278 MMBtu/hr	none
EU 6	Diesel Starter Engine C	4.278 MMBtu/hr	none
EU 7	Cooling Tower (4 cells)	n/a	drift eliminator
EU 15	Distillate oil tank	500,000 gallons	none

- (1) EU 1, EU 2, and EU 3 vent to three separate stacks, each 208 feet tall and 144 inches in diameter
- (2) Based on ISO conditions at 59°F, 60% RH, and 14.7 psia atmospheric pressure.
- (3) Selective Catalytic Reduction

### 3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office as changes occur	310 CMR 7.00:Appendix C(5)(h)

#### 4. APPLICABLE REQUIREMENTS

- A. EMISSION LIMITS AND RESTRICTIONS – The Permittee is subject to the emission limits/restrictions as contained in Table 3a/3b below:

Table 3a				
EU #	Fuel	Pollutant	Emission Limits/Standards <sup>(1)(2)(3)</sup>	Applicable Regulation and/or Approval No.
EU 1 EU 2 EU 3	natural gas & distillate oil	SO <sub>2</sub>	Gas – 6.7 lb/hr Oil/mixed fuel – 98.0 lb/hr Oil – 0.203 lb/MMBtu <sup>(6)</sup>	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
		PM <sup>(4)</sup>	Gas – 2.5 lb/hr	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
		NO <sub>x</sub>	Gas/mixed fuel – 16.2 lb/hr; Oil – 22.8 lb/hr Gas – 244 lb/start up; Oil – 342 lb/start up	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
			See Special Terms and Conditions #1-3, Section 5 See Special Terms and Conditions #4-7 Section 5	Regulation 310 CMR 7.28
		CO	Any fuel – 10.0 lb/hr	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
		VOC	Gas/mixed fuel – 6.0 lb/hr; Oil – 5.7 lb/hr	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
		NH <sub>3</sub> (MA State only)	Gas/mixed fuel – 14.0 lb/hr; Oil – 20.0 lb/hr	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
		Visible <sup>(5)</sup>	≤ 10% <sup>(5)</sup>	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
		Sulfur in fuel	Gas – 0.8% sulfur by weight Oil – 0.2% sulfur by weight <sup>(6)</sup>	40 CFR Part 60–Subpart GG DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)

- (1) Turbine emission limits at design conditions of 48°F average ambient temperature. The actual lb/hr turbine emission limit for each hour is calculated based on the current ambient temperature.
- (2) The "lb/hr", "tons/calendar month", and "lb/startup" emission limits are "per turbine".
- (3) All the "lb/hr" emission limits in Table 3a are based on a one-hour average, and are applicable under "normal operating conditions", which excludes periods of startup, shutdown, malfunction, equipment cleaning (such as on-line compressor cleaning), and/or emergency conditions.
- (4) Particulate matter as measured according to the applicable procedures specified in 40 CFR Part 60-Appendix A, Method 5.
- (5) Six-minute average
- (6) Based on 19,663 Btu/lb oil (higher heating value; "HHV"). If the HHV value of the oil is less than 19,663 Btu/lb, the allowable sulfur content will be reduced by the ratio of the actual oil HHV value to 19,663 such that the emission factor for SO<sub>2</sub> will not exceed 0.203 lbs/10<sup>6</sup> Btu.

Table 3b				
EU #	Fuel	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
EU 4 EU 5 EU 6	distillate oil	NOx	None if operation is kept to <1000 hours per year (rolling 12 month total) and the ignition timing is retarded 4° from manufacturer's specifications (provided that any increase in CO emissions is ≤100 ppmvd, corrected to 15% O <sub>2</sub> )  9.0 g/bhp-hr <sup>(2)</sup> if operation is for ≥1000 hours per year (rolling 12 month total) or if timing is not retarded relative to manufacturer's specifications.	DEP Approval 1-E-94-032 (9/15/94) Regulation 310 CMR 7.19(8)(d)  DEP Approval 1-E-94-032 (9/15/94) Regulation 310 CMR 7.19(8)(c)3.
		Smoke	No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	Regulation 310 CMR 7.06(1)(a)
		Opacity	< 20%, except 20 to < 40% for ≤ 2 minutes during any one hour	Regulation 310 CMR 7.06(1)(b)
		Sulfur in fuel	Oil ≤ 0.2% S by weight	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
EU #	Fuel	Pollutant	Restrictions	Applicable Regulation and/or Approval No.
EU 1-6	natural gas & distillate oil	SO <sub>2</sub>	249.0 tpy <sup>(3)</sup>	DEP Approval #1-P-95-011 (6/8/95 & 11/27/95)
		PM <sup>(1)</sup>	94.0 tpy <sup>(3)</sup>	
		NO <sub>x</sub>	6.66 tons/calendar month; 243.0 tpy <sup>(3)</sup>	
		CO	131.0 tpy <sup>(3)</sup>	
		VOC	78.3 tpy <sup>(3)</sup>	
		NH <sub>3</sub> (MA State only)	194.6 tpy <sup>(3)</sup>	

- (1) Particulate matter as measured according to the applicable procedures specified in 40 CFR Part 60-Appendix A, Method 5.  
 (2) One-hour average  
 (3) Rolling 12 month total

- B. COMPLIANCE DEMONSTRATION – The Permittee is subject to the monitoring, testing, record-keeping, and reporting requirements as contained in Tables 4a/4b/4c, 5a/5b, and 6a/6b/6c below and 310 CMR 7.00 Appendix C(9) and (10): and applicable requirements as contained in Table 3a/3b, unless otherwise specified below.

<b>Table 4a</b>	
<b>EU #</b>	<b>Monitoring/Testing Requirements</b>
EU 1	Pittsfield Generating shall
EU 2	<ol style="list-style-type: none"> <li>1) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), calibrate, test, and operate continuous flue gas monitors and recorders (ie; CEMs) to measure and record emissions for NO<sub>x</sub>, CO, NH<sub>3</sub>.</li> <li>2) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), calibrate, test, and operate continuous flue gas monitors and recorders (ie; COMs) to measure and record emissions for stack opacity.</li> <li>3) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and Regulation 310 CMR 7.00 Appendix C(9)(b)3., ensure that the flue gas COMS operates at all times the emission unit is operating and when natural gas is the only fuel being burned, except for periods of COMs QA/QC activities, maintenance and repair. Except for periods of QA/QC activities, maintenance and repair, in all cases obtain valid data for at least 90% of the hours per calendar quarter during which the emission unit is operating.</li> <li>4) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), operate a continuous monitoring system to monitor and record fuel consumption and the ratio of steam-to-fuel being fired in each combustion turbine.</li> <li>5) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and Regulation 310 CMR 7.00 Appendix C(9)(b)3., ensure that the flue gas CEM equipment operates at all times the emission unit is operating, except for periods of CEMs QA/QC activities, maintenance and repair. Except for periods of QA/QC activities, maintenance and repair, in all cases obtain valid data for at least 90% of the hours per calendar quarter during which the emission unit is operating.</li> <li>6) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), maintain an adequate supply of spare parts for the flue gas CEMs in support of achieving a minimum 90% on-line availability and data capture.</li> <li>7) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), equip the flue gas CEMs with audible and visible alarms to activate when emissions exceed the NO<sub>x</sub>, CO, NH<sub>3</sub> and opacity limits established in Table 3a/3b of this Operating Permit.</li> <li>8) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), 310 CMR 7.00 Appendix C(9)(c)2., and 40 CFR 60.334, ensure that the NO<sub>x</sub> CEMs complies with MassDEP approved performance and location specifications, and is installed, certified and continues to operate in accordance with the equipment specifications and quality assurance procedures of 40 CFR 60.13, 40 CFR Part 60 Subpart GG and 40 CFR 75 Subpart H.</li> <li>9) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and 310 CMR 7.00 Appendix C(9)(c)2., ensure that the CO and NH<sub>3</sub> CEMs comply with the MassDEP approved performance and location specifications. Equipment specifications, calibration, operating procedures, and quality assurance procedures must conform with the applicable EPA monitoring specifications at 40 CFR 60.13, 40 CFR 60 Appendix B, and 40 CFR 60 Appendix F, except that the frequency of Relative Accuracy Test Audits (RATA) and Cylinder Gas Audits (CGA), as applicable, will be in accordance with the quality assurance provisions for NO<sub>x</sub> CEMs contained in 40 CFR Part 75 Appendix B Section 2.2 for CGAs and Section 2.3 for RATAs.</li> </ol>
EU 3	

**Table 4b**

EU #	Monitoring/Testing Requirements
EU 1 EU 2 EU 3	<p>Pittsfield Generating shall</p> <p><b>10)</b> In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), operate continuous monitors and alarm systems to monitor temperature at the inlets to the control system catalysts, except for periods of QA/QC activities, maintenance and repair.</p> <p><b>11)</b> In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), monitor the duration of startups and the unit megawatt output at which the SCR is put into service.</p> <p><b>12)</b> In accordance with 310 CMR 7.00 Appendix C(9)(b), ensure that Cylinder Gas Audits and Relative Accuracy Test Audits performed on the flue gas CEMs are conducted in accordance with methods and frequencies established at 40 CFR 60.13 and 40 CFR 60 Appendix B, Performance Specification 2.</p> <p><b>13)</b> In accordance with 310 CMR 7.28(11)(a)(4), ensure all monitoring systems are subject to initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in 40 CFR Part 75 Subpart H.</p> <p><b>14)</b> As required by 310 CMR 7.28(11)(a)(5), ensure that, during a period when valid data is not being recorded by a monitoring system approved under 310 CMR 7.28, the missing or invalid data is replaced with default data in accordance with the provisions of 40 CFR 75.70(f). The applicable missing data procedures are specified in 40 CFR Part 75 for NO<sub>x</sub> emission rate (in lb/MMBtu), heat input, stack gas volumetric flow rate, oil density, GCV or fuel flow rate.</p> <p><b>15)</b> In accordance with 310 CMR 7.28(11)(a)(6), report NO<sub>x</sub> emissions data to the NO<sub>x</sub> Allowance Tracking System (NATS) in accordance with 310 CMR 7.28(13).</p> <p><b>16)</b> In accordance with 310 CMR 7.28(11)(a)(7), report data pursuant to the requirements of 310 CMR 7.28(11) for every hour.</p> <p><b>17)</b> In accordance with 310 CMR 7.28(11)(b), comply with the notification requirements in 40 CFR 75.61, where applicable.</p>
EU 4 EU 5 EU 6	<p>Pittsfield Generating shall</p> <p><b>1)</b> In accordance with the DEP NO<sub>x</sub> RACT Approval #1-B-94-032 (9/15/94) and Regulation 310 CMR 7.19(8)(d)2., install and maintain an elapsed time meter for each engine to indicate, in cumulative hours, the elapsed engine operating time for the previous 12 months.</p> <p><b>2)</b> In accordance with Regulation 310 CMR 7.19(13)(a)9., if any engine is operated for 1000 hours or more during any consecutive 12 month period, demonstrate compliance with the emission limitation of 9.0 grams NO<sub>x</sub>/Bhp-hr by performing an initial stack test conducted in accordance with Regulation 310 CMR 7.19(13)(c). In accordance with Regulation 310 CMR 7.19(13)(c)4., the stack test shall be completed within 90 days.</p>

**Table 4c**

EU #	Monitoring/Testing Requirements
EU 1-6	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.04(4)(a), inspect and maintain these emission units in accordance with the manufacturer's recommendations and test each one in accordance with the manufacturer's recommendations for efficient operation (consistent with the concurrent requirements to comply with any NOx RACT emission limits or any other emission limits) once each calendar year.</li> <li>2) In accordance with 40 CFR Part 60-Subpart GG, monitor the sulfur content, density and gross calorific value (GCV) of the fuel oil in accordance with 40 CFR 60 Subpart GG Section 60.334 and 40 CFR Part 75 Appendix D Section 2.2.</li> <li>3) In accordance with 40 CFR Part 60-Subpart GG, monitor the sulfur content and GCV of natural gas in accordance with 40 CFR 60 Subpart GG Section 60.334 and 40 CFR Part 75 Appendix D Section 2.3.</li> </ol>
Facility-Wide	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.13 <u>Stack Testing</u>, conduct stack testing, upon written request of the MassDEP, for any air contaminant for which the MassDEP has determined testing is necessary, to ascertain compliance with the MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method if approved by the MassDEP and EPA.</li> </ol> <p>Any emission testing to demonstrate compliance with the allowable particulate emission rate shall be in accordance with the EPA Methods 1 – 5, as specified in 40 CFR Part 60-Appendix A. In accordance with 310 CMR 7.00 Appendix C(9)(b), any emission testing to demonstrate compliance with the allowable emission limits shall be in accordance with EPA Method 7E for NOx, EPA Method 10 for CO, and EPA Method 9 for smoke/opacity, as specified in 40 CFR 60, Appendix A.</p> <ol style="list-style-type: none"> <li>2) Monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</li> </ol>



**Table 5a**

EU #	Recordkeeping Requirements
EU 1 EU 2 EU 3	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and 310 CMR 7.00 Appendix C(10)(b), retain for five years permanent records of the output of all CEMs for flue gas emission, fuel consumption, steam-to-fuel ratios, SCR catalyst inlet temperature, and all operating and monitoring logs, and make this data available to the MassDEP for inspection upon request. Records may be stored at the facility's off-site archive storage vault.</li> <li>2) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), keep records of each period that distillate oil is fired in the combustion turbines. The records must indicate the date, duration of firing, amount of fuel fired, and the name of the operator making the entry.</li> <li>3) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and 310 CMR 7.00 Appendix C(10)(b), keep records for each delivery of aqueous ammonia solution the percent ammonia.</li> <li>4) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), keep records of all problems, upsets, or failures associated with the emission control system. Emergency releases from the ammonia handling system must be recorded in accordance with established facility procedures.</li> <li>5) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), record occurrence and duration of any startup, shutdown, or malfunction in the operation of the facility, malfunction of air pollution control equipment, or periods during which the CEMs is inoperative.</li> <li>6) In accordance with 310 CMR 7.04(4), keep records of all combustion inspections, hot gas path inspections, and major overhauls, as they are conducted.</li> <li>7) In accordance with 310 CMR 7.04(4), incorporate the records of combustion turbine maintenance with the facility operations and maintenance work-order tracking system. (This system tracks work orders for equipment maintenance and repair.)</li> <li>8) In accordance with 310 CMR 7.04(4), measure and keep records of the efficiency (ie. heat rate) of the combustion turbines at least once per year.</li> <li>9) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), calculate and keep records of CEM availability quarterly.</li> <li>10) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), record the duration of each startup and the resultant amount of NOx emissions.</li> <li>11) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), keep records, for a minimum of five years, of all determinations of sulfur content of natural gas.</li> <li>12) In accordance with 40 CFR 60, 40 CFR 72, 40 CFR 75, and 310 CMR 7.28, comply with all applicable record-keeping requirements contained therein.</li> <li>13) In accordance with 310 CMR 7.28(8)(e), keep current information on the Authorized Account Representative (AAR) Form.</li> <li>14) In accordance with 310 CMR 7.28(12), keep all measurements, data, reports and other information required by 310 CMR 7.28 for five years, or any other period consistent with the budget unit's operating permit.</li> </ol>

**Table 5b**

EU #	Recordkeeping Requirements
EU 4 EU 5 EU 6	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.04(4)(a), maintain records of the results of the inspection, maintenance, and annual testing required by this Regulation and make these records available to the MassDEP upon request.</li> <li>2) In accordance with DEP Approval #1-E-94-032 (9/15/94), keep records, updated quarterly, of the hours of operation for each engine for all previous 12-month periods.</li> <li>3) In accordance with DEP Approval 1-E-94-032 (9/15/94), maintain records to certify that the ignition timing of the engine has been inspected and adjusted (if necessary) at least once every three years.</li> <li>4) In accordance with DEP Approval 1-E-94-032 (9/15/94), maintain records that document that the ignition timing of each engine was retarded 4° relative to the standard timing (provided the CO emission concentration does not increase beyond 100 ppmvd, corrected to 15% O<sub>2</sub>, the turbocharger speed is not increased beyond the maximum operating speed recommended by the manufacturer, or the exhaust port temperature does not increase beyond the manufacturer's recommended temperature).</li> <li>5) In accordance with 310 CMR 7.19(13)(d), if any engine is operated for 1000 hours or more in any consecutive 12 month period, measure and record for each engine on a daily basis: type fuel(s) burned each day, heat content of each fuel, the total heating value of the fuel consumed for each day, and the allowable emission rate.</li> <li>6) In accordance with Regulation 310 CMR 7.19(13)(d)7., 8., and 9., maintain copies of all fuel certifications or fuel oil analyses on-site for 5 years in a permanently bound log book or any other form acceptable to the MassDEP including computer retained and generated data, and submit compliance records within 10 days of written request by the MassDEP or EPA. Records may be stored at the facility's off-site archive storage vault.</li> </ol>
EU 15	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 40 CFR Part 60-Subpart Kb §60.110b(a), §60.116b(b), and §60.116b(c), keep readily accessible records showing the dimension of the storage vessel, an analysis showing the capacity of the storage vessel, the volatile organic liquid stored, the period of storage, and the maximum true vapor pressure.</li> </ol>
EU 1-6	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), maintain records of all fuel oil sampling in accordance with 40 CFR Part 60 Subpart GG and 40 CFR Part 75 Appendix D.</li> </ol>
Facility-Wide	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.</li> <li>2) In accordance with 310 CMR 7.12, maintain for five years the records required to determine the nature and amounts of emissions from the facility.</li> <li>3) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records documenting that there are working/non-expired portable ammonia detectors available for use during a spill or an atypical atmospheric release.</li> </ol>

<b>Table 6a<sup>(1)</sup></b>	
<b>EU #</b>	<b>Reporting Requirements</b>
EU 1	Pittsfield Generating shall
EU 2	<ol style="list-style-type: none"> <li>1) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and 310 CMR 7.00 Appendix C(10)(d), submit a report to the WERO offices quarterly by January 15, April 15, July 15, and October 15th giving the following information for the preceding calendar year quarter:               <ol style="list-style-type: none"> <li>a) The monthly report from the facility CEMs containing summary emission data in a format acceptable to the MassDEP.</li> <li>b) A summary of emission data showing any excursions, with explanations, from allowable emission levels or operating conditions.</li> <li>c) A report showing for each period during which distillate oil was fired, the date of oil firing, the amount of oil fired, the reason for firing oil, the number of days of firing distillate oil (year-to-date) and the total amount of distillate oil burned (gallons &amp; total Btus [HHV]; rolling 365-day total).</li> <li>d) Upsets or failures associated with the emission control system or continuous emission monitoring equipment.</li> <li>e) A report showing any failures to meet the minimum SCR catalyst operating temperature of 480°F (one hour block average) during sustained operation, and any deliveries of aqueous ammonia accepted by the facility that contained greater than 29.4 percent ammonia.</li> </ol> </li> <li>2) In accordance with 40 CFR 60.7, submit to the USEPA a quarterly excess emissions and monitoring systems performance report.</li> <li>3) In accordance with 40 CFR 60, 40 CFR 72, 40 CFR 75, 310 CMR 7.28., comply with all applicable reporting requirements contained therein.</li> <li>4) In accordance with 310 CMR 7.28(13)(a)(1), ensure the AAR submits quarterly reports for each calendar quarter beginning with: the earlier of the calendar quarter that includes the date of initial certification or, if the certification tests are not completed by May 1, 2002, the partial calendar quarter from May 1, 2002 through June 30, 2002. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of certification or the first hour on May 1, 2002.</li> <li>5) In accordance with 310 CMR 7.28(13)(b), ensure the AAR for each budget unit using CEMS submits to the Administrator all emissions and operating information for each calendar quarter of each year in accordance with the standards specified in 40 CFR Part 75 Subpart H and 40 CFR 75.64.</li> <li>6) In accordance with 310 CMR 7.28(13)(c)(1), for units subject to an Acid Rain Emissions limitation, ensure the quarterly reports include all of the data and information required in 40 CFR Part 75 Subpart H for each NOx Budget unit (or group of units using a common stack) as well as information required in 40 CFR Part 75 Subpart G.</li> <li>7) In accordance with 310 CMR 7.28(13)(c)(2), for units not subject to an Acid Rain Emissions limitation, ensure quarterly reports include all of the data and information required in 40 CFR Part 75 Subpart H for each NOx Budget unit (or group of units using a common stack).</li> <li>8) In accordance with 310 CMR 7.28(13), report NOx emissions data pursuant to the requirements of 310 CMR 7.28(11)(a)(6), (a)(7) and (b). NOx emissions data should be reported directly to EPA's National Computer Center mainframe computer in a method acceptable to EPA. The deadline to submit data to EPA is 30 days after the end of each calendar quarter.</li> </ol>
EU 3	

(1) The annual Source Registration/Emission Statement report shall be submitted to the MassDEP office specified in the instructions. **All other reports are to be submitted to the Western Regional Office address.**

<b>Table 6b<sup>(1)</sup></b>	
<b>EU #</b>	<b>Reporting Requirements</b>
EU 1 EU 2 EU 3	<p>Pittsfield Generating shall</p> <p>9) In accordance with 310 CMR 7.28(13)(e), by October 31 of each year, report to the MassDEP each facility's metered net electric and useful steam output for that year's control period. Net electric output must be reported in megawatt-hours, and steam output in MMBtu. If data for steam output is not available, the person may report heat input providing useful steam output as a surrogate for steam output. (See special condition #4).</p> <p>10) In accordance with 310 CMR 7.28(15), for each control period, ensure the AAR for the budget unit submits by November 30 of each year, an annual compliance certification report to the MassDEP and the NATS Administrator. The compliance certification shall contain, at a minimum, the items listed in 310 CMR 7.28(15)(c)1 through 8.</p> <p>11) In accordance with 310 CMR 7.28, reference, if required, a previously approved RATA protocol at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous DEP protocol comments to the satisfaction of the DEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date.</p> <p>12) In accordance with 310 CMR 7.28, submit a hardcopy of the QA RATA or Appendix E/LME test results to both the DEP Lawrence and DEP Regional offices within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR).</p> <p>13) In accordance with 310 CMR 7.28, report results from QA daily Calibrations, quarterly Linearity checks and Appendix D Fuel Flow-meter tests electronically in the EDR submittal for the quarter in which the testing occurs.</p> <p>14) In accordance with 40 CFR 75.61, provide notification of QA testing for Relative Accuracy Test Audits (RATAs) and Appendix E/LME (Low Mass Emission) unit tests. Notification must be made at least 21 days prior to the scheduled test date to the EPA, to the DEP Lawrence office at DEP, Wall Experiment Station, 37 Shattuck Street, Lawrence, MA 01843-1398 Attn: Source Monitoring Section, and to the DEP Regional office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5).</p> <p>15) In accordance with 40 CFR Part 60.7, 40 CFR Part 60-Subpart GG, and an alternative fuel monitoring schedule dated 5/26/99, submit a monitoring system performance report quarterly to the MassDEP and EPA.</p> <p>16) In accordance with an alternate fuel monitoring schedule dated 5/26/99, notify the MassDEP and USEPA in writing within 14 days if any natural gas fuel sulfur measurements indicates non-compliance with 40 CFR Part 60 Subpart GG, or of learning of any change in fuel supply or significant change in fuel quality, such that the custom fuel monitoring schedule can be reexamined.</p>
EU 4 EU 5 EU 6	<p>Pittsfield Generating shall</p> <p>1) In accordance with the DEP NOx RACT Approval #1-E-94-032 (9/15/94), notify the MassDEP if any single engine operation exceeds 1000 hours for any consecutive 12 month period, and the engine becomes subject to an emission standard of 9.0 g/bhp-hr as found in 310 CMR 7.19(8)(c) and the testing, monitoring, record-keeping and reporting requirements specified in 310 CMR 7.19(13)(d)</p> <p>2) In accordance with the DEP NOx RACT Approval #1-B-94-032 (9/15/94), notify the MassDEP if the facility is unable to retard timing of the engine.</p> <p>3) In accordance with Regulation 310 CMR 7.19(13)(d)9., submit compliance records within 10 days of written request by the MassDEP or EPA.</p>

(1) The annual Source Registration/Emission Statement report shall be submitted to the MassDEP office specified in the instructions. **All other reports are to be submitted to the Western Regional Office address.**

<b>Table 6c<sup>(1)</sup></b>	
<b>EU #</b>	<b>Reporting Requirements</b>
Facility-Wide	<p>Pittsfield Generating shall</p> <ol style="list-style-type: none"> <li>1) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to the Department on an annual basis.</li> <li>2) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to the Department two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. <b>(See Provision 10 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</b></li> <li>3) In accordance with 310 CMR 7.13(1)(d), submit to the Department any stack test results for any air contaminant obtained from stack testing required by the Department within such time as agreed to in the approved test protocol.</li> <li>4) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. <b>(See Provision 10 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</b></li> <li>5) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to the Department any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the Department or EPA.</li> <li>6) In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to the Department's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. <b>(See Provision 25 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</b></li> <li>7) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), notify the MassDEP immediately by telephone, and within three working days in writing, following the release or the threat of release of ammonia, and/or upsets or malfunctions to the ammonia handling or delivery systems. The facility must comply with all notification procedures required under MGL Chapter 21E-Spill Notification Regulations.</li> </ol>

- (1) The annual Source Registration/Emission Statement report shall be submitted to the MassDEP office specified in the instructions. **All other reports are to be submitted to the Western Regional Office.**

- C. GENERAL APPLICABLE REQUIREMENTS – The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.
- D. REQUIREMENTS NOT CURRENTLY APPLICABLE – The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
Clean Air Act Section 112(r): Prevention of Accidental Releases	Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
310 CMR 7.27: NOx Allowance Program	Superseded by 310 CMR 7.28
310 CMR 7.16 Reduction of Single Occupant Commuter Vehicle Use	Employs fewer than 250 people

## 5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Tables 3a/3b, 4a/4b/4c, 5a/5b, and 6a/6b/6c:

Table 8a	
EU #	Special Terms and Conditions
EU 1 EU 2 EU 3	<p>Pittsfield Generating shall</p> <p><b>State NOx Allowance Trading Program, 310 CMR 7.28</b></p> <ol style="list-style-type: none"> <li>1) EU 1 – 3 are subject to the requirements of NOx Allowance Program, 310 CMR 7.28. The MassDEP issued an Emission Control Plan (ECP) approval for this facility on October 10, 2002.</li> <li>2) NOx Allowance use and transfer must comply with 310 CMR 7.28(10).</li> <li>3) In accordance with 310 CMR 7.28(14), each year by November 30, for each budget unit, the total number of banked or current year allowances in its compliance or overdraft account must equal or exceed the NOx emissions from the budget unit in the current control period.</li> <li>4) Each budget unit shall meter electric output in accordance with the approved monitoring methodology contained in Table II and Table III of the ECP Approval #1-E-02-024 (dated October 10, 2002)             <ol style="list-style-type: none"> <li>a) In the case where billing meters are used to determine output, no QA/QC activities beyond those already performed are required. To qualify as a billing meter, the measurement device must be used to measure electric or thermal output for commercial billing under a contract. The facility selling the electric or thermal output must have different owners from the owners of the party purchasing the electric or thermal output. Any electric or thermal output values that the facility reports must be the same as the values used in billing for the output.</li> <li>b) In the case where non-billing meters are used to determine output, if the facility decides to adopt a system approach to accuracy then a system accuracy of 10.0% must be achieved. If testing an output measurement system shows that the output readings are not accurate to 10.0% or less, then the measurement equipment must be retested or replaced, and meet that requirement. If the facility decides to adopt a component approach to accuracy, then a component accuracy of 3.0% must be achieved. If testing a piece of output measurement equipment shows that the output readings are not accurate to 3.0% or less of the full scale, then the measurement equipment must be retested or replaced, and meet that requirement. When a non-billing system fails to meet the 10% or 3% requirement, data should be considered invalid, prospectively, for purposes of determining allocations. Data remain invalid until the output measurement equipment passes an accuracy test or is replaced with another piece of equipment that passes the accuracy test. The invalid data must be omitted and either zero or an output value that is likely to be lower than a measured value must be reported.</li> <li>c) Output measurement equipment must be tested for accuracy or recalibrated at least once every two years, in accordance with applicable consensus or NIST traceable standards, unless a standard allows for less frequent calibrations or accuracy tests.</li> </ol> </li> </ol>

**Table 8b**

EU #	Special Terms and Conditions
EU 1 EU 2 EU 3	<p>Pittsfield Generating shall</p> <p>5) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), not burn more than <math>1.71 \times 10^{12}</math> Btu [HHV] from oil use for each 365 consecutive day period.</p> <p>6) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and 310 CMR 7.00 Appendix C(7)(a), operate each combustion turbine during startup or shutdown for no more than 3 hours duration. The turbine shall be brought into compliance with emission limits as quickly as possible while operating within the manufacturer's recommended startup and shutdown procedures.</p> <p>7) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95) and 310 CMR 7.00 Appendix C(7)(a), operate each combustion turbine above 25 MW, except during periods of startup or shutdown.</p> <p>8) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), ensure that the SCR control equipment for the combustion turbines is operational whenever each turbine is operating at 25 MW power or greater.</p> <p>9) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), ensure that the minimum SCR catalyst operating temperature at the inlet to the control system catalyst unit is at or above 480°F (one-hour block average) during sustained operation.</p> <p>10) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), use in conjunction with the SCR control system an aqueous ammonia solution containing (nominally) up to 29.4% ammonia. [State only]</p>
Facility Wide	<p>Pittsfield Generating shall</p> <p>11) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), ensure that the emissions of any criteria pollutant from the plant will not exceed 249 tons per year.</p> <p>12) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), properly train all personnel to operate the facility and control equipment in accordance with vendor specifications. All persons responsible for the operation of the ammonia handling and SCR control systems shall sign a statement affirming that they have read and understand the approved standard operating and standard maintenance procedures. This training shall be updated at least once annually. [State only]</p> <p>13) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), maintain in the control room portable ammonia detectors for use during a spill or an atypical atmospheric release. [State only]</p> <p>14) In accordance with DEP Approval #1-P-95-011 (6/8/95 &amp; 11/27/95), keep, at all times, enough plastic balls within the containment area around the ammonium hydroxide storage tank to provide 90% surface coverage of any spilled ammonium hydroxide. The balls must be free of ice and other restrictions that would inhibit their floatation. [State only]</p> <p>15) Pittsfield Generating has indicated in their Operating Permit Application (Transmittal # 108045) that it is subject to and in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.</p>



## **6. ALTERNATIVE OPERATING SCENARIOS**

none

## **7. EMISSIONS TRADING**

### **A. Intra-facility emission trading**

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies the United States Environmental Protection Agency (EPA) and the MassDEP at least fifteen days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to the MassDEP pursuant to 310 CMR 7.00: Appendix B.

### **B. Inter-facility emission trading**

All increases in emissions due to emission trading must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et. seq. (the "Act"), and provided for in this permit.

## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

## GENERAL CONDITIONS FOR OPERATING PERMITS

### **9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.

#### (a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the MassDEP to determine the compliance status of the source.

#### (b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;

- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and any additional information required by the MassDEP to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable federal, state, or local rules and regulations, not addressed in this permit.

## **12. PERMIT SHIELD**

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.
- C. Nothing in this permit shall alter or affect the following:
- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
  - (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
  - (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory

relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **14. PERMIT TERM**

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

#### **15. PERMIT RENEWAL**

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

#### **16. REOPENING FOR CAUSE**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. The MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

#### **17. DUTY TO PROVIDE INFORMATION**

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this permit.

#### **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become

applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

#### **19. TRANSFER OF OWNERSHIP OR OPERATION**

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

#### **20. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

#### **22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

#### **23. SEVERABILITY CLAUSE**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit available to the permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm> .

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen (15) days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

- A. Administrative Amendments – The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications – The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications – The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

## **28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT**

Not all abbreviations are present in every Operating Permit

10<sup>6</sup> Btu/hr – 1,000,000 Btu per hour

CEM – continuous emission monitor

CGA – cylinder gas audit

the Chart – the Ringelmann Scale for grading the density of smoke

CO – carbon monoxide

CO<sub>2</sub> – carbon dioxide

COM – continuous opacity monitor

DAS – data acquisition system

EPA – Environmental Protection Agency

FMF FAC. NO. – Facility Master File Number

FMF RO NO. – Facility Master File Regulated Object Number

ft<sup>3</sup> – cubic feet

HHV – higher heating value

hr – hour

ISO – Represents 59°F, 60% Relative Humidity, 29.9 2 Inches Mercury At Sea Level

lb – pound

lb/MMBtu – pounds per million British thermal units

MMBtu/hr – million British thermal units per hour

MW – megawatt (1,000,000 watts)

ng – natural gas

NH<sub>3</sub> – ammonia

NO<sub>x</sub> – nitrogen oxides

PLT ID – Plant Identification

PM – particulate matter

ppm – parts per million

ppmvd – parts per million (by volume, dry)

PTE – potential to emit

RATA – relative accuracy test audit

SO<sub>2</sub> – sulfur dioxide

SSEIS – Stationary Source Emission Inventory System

tpy – tons per year

VOC – volatile organic compound



## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.